

MONTANA LEGISLATIVE HISTORY

Chapter 430 19 97

Bill H _____ S 71

Original bill & history ☒ c

H. Committee on Education

Hearing Date(s) 2-3 ☒ c

2-14 ☒ c

_____ c

_____ c

Date Out _____ c

S. Committee on Education & Cull. R.

Hearing Date(s) 1-17 ☒ c

_____ c

_____ c

Free Conf. 4-16 ☒ c
Committee

Did this bill originate in an interim committee? ☐ Yes ☐ No

Committee _____

Report _____

LEGISLATIVE HISTORIES

The 1997 Montana Legislature dramatically changed the nature of legislative minutes. This altered format continues with the 1999 legislative minutes. The minutes from House committees are extremely sparse in content, offering no substantive information from which to glean legislative intent. The Senate committees' minutes are fuller in content.

Exhibits, which include written statements, attendant information, roll call votes, roll call attendance, a list of those from the public who were present, and specific action taken on legislative bills, will be available only through the Historical Society Archives, 444-4774, and from a CD-ROM produced by the Legislative Services Division, 444-3064.

Just as in the 1997 legislative session, the 1999 House and Senate committee hearings were recorded. For information on accessing the tapes, or purchasing them, contact the Archives, 444-4774.

If you have concerns over the format of these legislative minutes, it is suggested that you contact your state legislators.

1/20	3RD READING PASSED	48	1
	TRANSMITTED TO HOUSE		
1/21	FIRST READING		
1/21	REFERRED TO HUMAN SERVICES & AGING		
2/10	HEARING		
3/10	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		
3/15	2ND READING CONCURRED	75	23
3/17	3RD READING CONCURRED	76	24
	RETURNED TO SENATE WITH AMENDMENTS		
3/19	2ND READING AMENDMENTS CONCURRED	50	0
3/20	3RD READING CONCURRED AS AMENDED	50	0
3/24	SIGNED BY PRESIDENT		
3/26	SIGNED BY SPEAKER		
3/26	TRANSMITTED TO GOVERNOR		
4/02	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 195		
	EFFECTIVE DATE: ON EFFECTIVE DATE OF REPEAL OF 42		
	U.S.C. 1396p(b)(1)(A) AND (b)(1)(B) OR OF AMENDMENT OF		
	THAT SECTION IN A MANNER PROHIBITING ADJUSTMENT		
	OR RECOVERY OF MEDICAL ASSISTANCE PAID TO		
	INDIVIDUALS DESCRIBED IN THAT SECTION—SECTIONS 4,		
	5, 7 & 8		
	EFFECTIVE DATE: 6 MONTHS AFTER EFFECTIVE DATE OF		
	SECTIONS 4 & 5—SECTIONS 1-3 & 6		

SB 70

INTRODUCED BY GAGE

LC0310 DRAFTER: ERICKSON

REVISE THE SCHOOL FINANCE AND BUDGETING LAWS
BY REQUEST OF OPI

12/30	INTRODUCED		
1/03	REFERRED TO EDUCATION & CULTURAL RESOURCES		
1/06	FIRST READING		
1/17	HEARING		
1/20	COMMITTEE REPORT—BILL PASSED AS AMENDED		
1/22	2ND READING PASSED AS AMENDED	50	0
1/23	3RD READING PASSED	49	0
	TRANSMITTED TO HOUSE		
1/24	FIRST READING		
1/24	REFERRED TO EDUCATION & CULTURAL RESOURCES		
1/29	HEARING		
1/30	COMMITTEE REPORT—BILL CONCURRED		
2/01	2ND READING CONCURRED	89	10
2/03	3RD READING CONCURRED	87	13
	RETURNED TO SENATE		
2/06	SIGNED BY PRESIDENT		
2/07	SIGNED BY SPEAKER		
2/07	TRANSMITTED TO GOVERNOR		
2/12	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 22		
	EFFECTIVE DATE: 07/01/97		

SB 71

INTRODUCED BY TOEWS

LC0311 DRAFTER: ERICKSON

REVISE THE DUTIES OF ELECTED SCHOOL OFFICIALS
BY REQUEST OF OPI

12/30	INTRODUCED		
1/03	REFERRED TO EDUCATION & CULTURAL RESOURCES		
1/06	FIRST READING		

1/17	HEARING		
1/20	COMMITTEE REPORT—BILL PASSED AS AMENDED		
1/21	2ND READING PASSED	49	0
1/22	3RD READING PASSED	50	0
	TRANSMITTED TO HOUSE		
1/23	FIRST READING		
1/23	REFERRED TO EDUCATION & CULTURAL RESOURCES		
2/03	HEARING		
2/17	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		
4/07	2ND READING CONCURRED	80	19
4/07	3RD READING CONCURRED	81	17
	RETURNED TO SENATE WITH AMENDMENTS		
4/11	2ND READING AMENDMENTS NOT CONCURRED	50	0
4/12	CONFERENCE COMMITTEE APPOINTED		
4/16	HEARING		
4/16	CONFERENCE COMMITTEE REPORT NO. 1		
4/17	2ND READING CONFERENCE COMMITTEE REPORT NO. 1 ADOPTED	49	0
4/18	3RD READING CONFERENCE COMMITTEE REPORT NO. 1 ADOPTED	48	1
	HOUSE		
4/14	CONFERENCE COMMITTEE APPOINTED		
4/16	CONFERENCE COMMITTEE REPORT NO. 1		
4/17	2ND READING CONFERENCE COMMITTEE REPORT NO. 1 ADOPTED	76	23
4/18	3RD READING CONFERENCE COMMITTEE REPORT NO. 1 ADOPTED	79	20
4/24	SIGNED BY PRESIDENT		
4/24	SIGNED BY SPEAKER		
4/24	TRANSMITTED TO GOVERNOR		
4/29	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 430		
	EFFECTIVE DATE: 07/01/97		

FORMALIZE THE OPERATION OF THE WATER INFORMATION SYSTEM
WITHIN THE NATURAL RESOURCES INFORMATION SYSTEM AT THE
STATE LIBRARY

BY REQUEST OF LEGISLATIVE SERVICES DIVISION -EQC

12/30	INTRODUCED		
1/02	FISCAL NOTE REQUESTED		
1/03	REFERRED TO NATURAL RESOURCES		
1/06	FIRST READING		
1/07	FISCAL NOTE RECEIVED		
1/08	FISCAL NOTE PRINTED		
1/13	HEARING		
1/21	COMMITTEE REPORT—BILL PASSED		
1/22	2ND READING PASSED	50	0
1/23	3RD READING PASSED	49	0
	TRANSMITTED TO HOUSE		
1/24	FIRST READING		
1/24	REFERRED TO NATURAL RESOURCES		
2/03	HEARING		
2/11	COMMITTEE REPORT—BILL CONCURRED		
3/04	2ND READING CONCURRED	96	2
3/05	3RD READING CONCURRED	100	0

SENATE BILL NO. 71

INTRODUCED BY TOEWS

BY REQUEST OF THE OFFICE OF PUBLIC INSTRUCTION

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE DUTIES OF ELECTED SCHOOL OFFICIALS; PROVIDING SCHOOL DISTRICT TRUSTEES WITH GREATER FLEXIBILITY IN DETERMINING PUPIL-INSTRUCTION TIME; ELIMINATING THE NEED FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION TO APPROVE KINDERGARTEN VARIANCES FOR REQUIRED HOURS OF INSTRUCTION, PUPIL-INSTRUCTION-RELATED DAYS, AND ADULT EDUCATION PROGRAMS OPERATED BY A SCHOOL DISTRICT; AUTHORIZING A BOARD OF TRUSTEES TO DECLARE AN EMERGENCY IN A DISTRICT; CLARIFYING THE REQUIREMENTS FOR RESCHEDULING INSTRUCTION TIME CANCELED BECAUSE OF AN UNFORESEEN EMERGENCY; REMOVING THE REQUIREMENT FOR A COUNTY SUPERINTENDENT OR THE SUPERINTENDENT OF PUBLIC INSTRUCTION TO DETERMINE THAT A REASONABLE EFFORT HAS BEEN MADE TO MAKE UP SCHOOL DAYS LOST BECAUSE OF AN EMERGENCY; AMENDING SECTIONS 20-1-301, 20-1-302, 20-1-304, 20-3-106, 20-6-209, 20-7-705, 20-9-311, 20-9-801, 20-9-802, AND 20-9-806, MCA; REPEALING SECTIONS 20-9-803 AND 20-9-804, MCA; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 20-1-301, MCA, is amended to read:

"20-1-301. **School fiscal year.** (1) The school fiscal year shall must begin on July 1 and end on June 30. At least 180 school days of pupil instruction shall and the minimum aggregate hours defined in subsection (2) must be conducted during each school fiscal year, except that 175 days and 1,050 aggregate hours of pupil instruction for graduating seniors may be sufficient as provided in 20-9-313, or unless a variance for kindergarten has been granted under 20-1-302 or a district is granted a variance under the provisions of chapter 9, part 8, of this title.

(2) The minimum aggregate hours required by grade are:

(a) 360 hours for a kindergarten program;

(b) 720 hours for grades 1 through 3; and

1 (c) 1,080 hours for grades 4 through 12.

2 (3) To calculate the number of school days of pupil instruction, a school district shall:

3 (a) determine the aggregate hours of pupil instruction by grade level;

4 (b) divide the aggregate hours of pupil instruction for each grade level by the minimum hours a day
5 for that grade level provided in 20-1-302; and

6 (c) round the result down to the nearest whole number.

7 (4) For any elementary or high school district that fails to provide for at least 180 school days of
8 pupil instruction or the minimum aggregate hours as defined in subsection (2), the superintendent of public
9 instruction shall reduce the county equalization, as defined in 20-9-334, and the state equalization, as
10 defined in 20-9-343, for the district for that school year by 1/90th for each school day less than 180 school
11 days or a corresponding amount based on minimum aggregate hours."

12
13 **Section 2.** Section 20-1-302, MCA, is amended to read:

14 **"20-1-302. School day and week.** Subject to 20-1-308, a school day of pupil instruction shall
15 must be at least 2 hours for kindergartens and all other preschool programs, unless a variance has been
16 granted by the superintendent of public instruction in accordance with the policies of the board of public
17 education, at least 4 hours for grades 1 through 3, and at least 6 hours for grades 4 through 12. The
18 number of hours in any one 1 school day for grades 4 through 12 may be reduced by 1 hour if the total
19 number of hours in the school week is not less than 30 hours. The number of hours in a school week may
20 be reduced, in an emergency, with the approval of the board of public education may be reduced at the
21 discretion of the trustees if the total number of pupil instruction hours in the school year is not less than
22 the minimum aggregate hours required in 20-1-301."

23
24 **Section 3.** Section 20-1-304, MCA, is amended to read:

25 **"20-1-304. Pupil-instruction-related day.** A pupil-instruction-related day is a day of teacher
26 activities devoted to improving the quality of instruction. The activities may include but are not limited to
27 inservice training, attending state meetings of teacher organizations, and conducting parent conferences.
28 A maximum of 7 pupil-instruction-related days may be conducted during a school year, with a minimum
29 of 3 of the days for instructional and professional development meetings or other appropriate inservice
30 training, provided that if the days are approved by the superintendent of public instruction planned in

1 accordance with the policy adopted by the board of public education. The days may not be included as a
2 part of the required minimum of 180 days or the required minimum aggregate hours of pupil instruction."

3
4 **Section 4.** Section 20-3-106, MCA, is amended to read:

5 **"20-3-106. Supervision of schools -- powers and duties.** The superintendent of public instruction
6 has the general supervision of the public schools and districts of the state and shall perform the following
7 duties or acts in implementing and enforcing the provisions of this title:

8 (1) resolve any controversy resulting from the proration of costs by a joint board of trustees under
9 the provisions of 20-3-362;

10 (2) issue, renew, or deny teacher certification and emergency authorizations of employment;

11 (3) negotiate reciprocal tuition agreements with other states in accordance with the provisions of
12 20-5-314;

13 (4) serve on the teachers' retirement board in accordance with the provisions of 2-15-1010;

14 (5) approve or disapprove the orders of a high school boundary commission in accordance with
15 the provisions of 20-6-311;

16 (6) approve or disapprove the opening or reopening of a school in accordance with the provisions
17 of 20-6-502, 20-6-503, 20-6-504, or 20-6-505;

18 (7) approve or disapprove school isolation within the limitations prescribed by 20-9-302;

19 (8) generally supervise the school budgeting procedures prescribed by law in accordance with the
20 provisions of 20-9-102 and prescribe the school budget format in accordance with the provisions of
21 20-9-103 and 20-9-506;

22 (9) establish a system of communication for calculating joint district ~~revenues~~ revenue in
23 accordance with the provisions of 20-9-151;

24 (10) approve or disapprove the adoption of a district's budget amendment resolution under the
25 conditions prescribed in 20-9-163 and adopt rules for an application for additional direct state aid for a
26 budget amendment in accordance with the approval and disbursement provisions of 20-9-166;

27 (11) generally supervise the school financial administration provisions as prescribed by 20-9-201(2);

28 (12) prescribe and furnish the annual report forms to enable the districts to report to the county
29 superintendent in accordance with the provisions of 20-9-213(5) and the annual report forms to enable the
30 county superintendents to report to the superintendent of public instruction in accordance with the

1 provisions of 20-3-209;

2 (13) approve, disapprove, or adjust an increase of the average number belonging (ANB)
3 accordance with the provisions of 20-9-313 and 20-9-314;

4 (14) distribute BASE aid and special education allowable cost payments in support of the BASE
5 funding program, in accordance with the provisions of 20-9-331, 20-9-333, 20-9-342, 20-9-346, 20-9-347,
6 and 20-9-366 through 20-9-369;

7 (15) provide for the uniform and equal provision of transportation by performing the duties
8 prescribed by the provisions of 20-10-112;

9 ~~(16) approve or disapprove an adult education program for which a district proposes to levy a tax~~
10 ~~in accordance with the provisions of 20-7-705;~~

11 ~~(17)~~ (16) request, accept, deposit, and expend federal money in accordance with the provisions of
12 20-9-603;

13 ~~(18)~~ (17) authorize the use of federal money for the support of an interlocal cooperative agreement
14 in accordance with the provisions of 20-9-703 and 20-9-704;

15 ~~(19)~~ (18) prescribe the form and contents of and approve or disapprove interstate contracts in
16 accordance with the provisions of 20-9-705;

17 ~~(20)~~ (19) approve or disapprove the conduct of school on a Saturday ~~or on pupil instruction-related~~
18 ~~days~~ in accordance with the provisions of 20-1-303 and ~~20-1-304~~;

19 ~~(21)~~ (20) recommend standards of accreditation for all schools to the board of public education and
20 evaluate compliance with the standards and recommend accreditation status of every school to the board
21 of public education in accordance with the provisions of 20-7-101 and 20-7-102;

22 ~~(22)~~ (21) collect and maintain a file of curriculum guides and assist schools with instructional
23 programs in accordance with the provisions of 20-7-113 and 20-7-114;

24 ~~(23)~~ (22) establish and maintain a library of visual, aural, and other educational media in accordance
25 with the provisions of 20-7-201;

26 ~~(24)~~ (23) license textbook dealers and initiate prosecution of textbook dealers violating the law in
27 accordance with the provisions of the textbooks part of this title;

28 ~~(25)~~ (24) as the governing agent and executive officer of the state of Montana for K-12 vocational
29 education, adopt the policies prescribed by and in accordance with the provisions of 20-7-301;

30 ~~(26)~~ (25) supervise and coordinate the conduct of special education in the state in accordance with

the provisions of 20-7-403;

~~(27)~~(26) administer the traffic education program in accordance with the provisions of 20-7-502;

~~(28)~~(27) administer the school food services program in accordance with the provisions of 20-10-201, ~~20-10-202~~, and through 20-10-203;

~~(29)~~(28) review school building plans and specifications in accordance with the provisions of 20-6-622;

~~(30)~~(29) prescribe the method of identification and signals to be used by school safety patrols in accordance with the provisions of 20-1-408;

~~(31)~~(30) provide schools with information and technical assistance for compliance with the student assessment rules provided for in 20-2-121 and collect and summarize the results of the student assessment for the board of public education and the legislature;

~~(32)~~(31) administer the distribution of guaranteed tax base aid in accordance with 20-9-366 through 20-9-369; and

~~(33)~~(32) perform any other duty prescribed from time to time by this title, any other act of the legislature, or the policies of the board of public education."

Section 5. Section 20-6-209, MCA, is amended to read:

"20-6-209. Elementary district abandonment. (1) The county superintendent shall declare an elementary district to be abandoned and order the attachment of the territory of ~~such~~ the district to a contiguous district of the county when:

(a) a school has not been operated by a district for at least 180 days under the provisions of 20-1-301 for each of 3 consecutive school fiscal years or a lesser number of days as approved by the ~~county superintendent or the superintendent of public instruction~~ board of trustees under the provisions of ~~20-9-804~~ 20-9-806; or

(b) there is an insufficient number of residents who are qualified electors of the district that can ~~and will~~ serve as the trustees and clerk of the district so that a legal board of trustees can be organized.

(2) The county superintendent shall notify the elementary district that has not operated a school for 2 consecutive years before the first day of the third year that the failure to operate a school for 180 days or a lesser number of days than approved by the ~~county superintendent or the superintendent of public instruction as provided~~ board of trustees under the provisions of ~~20-9-804~~ 20-9-806 during the

1 ensuing school fiscal year ~~shall constitute~~ constitutes grounds for abandonment of ~~such the~~ district at the
2 conclusion of the succeeding school fiscal year. Failure by the county superintendent to provide ~~such the~~
3 notification ~~shall~~ does not constitute a waiver of the abandonment requirement prescribed in subsection
4 (1)(a) ~~above~~.

5 (3) Any abandonment under subsection (1)(a) ~~shall become~~ becomes effective on July 1. Any
6 abandonment of an elementary district under subsection (1)(b) ~~shall become~~ becomes effective immediately
7 on the date of the abandonment order."

8
9 **Section 6.** Section 20-7-705, MCA, is amended to read:

10 **"20-7-705. Adult education fund.** (1) A separate adult education fund must be established when
11 an adult education program is operated by a district or community college district. The financial
12 administration of the fund must comply with the budgeting, financing, and expenditure provisions of the
13 laws governing the schools.

14 (2) Whenever the trustees of a district establish an adult education program under the provisions
15 of 20-7-702, they shall establish an adult education fund under the provisions of this section. The adult
16 education fund is the depository for all district money received by the district in support of the adult
17 education program. Federal and state adult education program money must be deposited in the
18 miscellaneous programs fund.

19 (3) The trustees of a district may authorize the levy of a tax of not more than 1 mill on the district,
20 except that trustees of a county high school district may, whether or not the county high school district
21 is unified with an elementary district under the provisions of 20-6-312, authorize a levy of not more than
22 2 mills on the district and a K-12 school district formed under the provisions of 20-6-701 may authorize
23 a levy of not more than 3 mills on the district, for the operation of an adult education program ~~when the~~
24 ~~superintendent of public instruction has approved the educational program to be supported by the levy. The~~
25 ~~trustees shall obtain the approval of the superintendent of public instruction before the fourth Monday of~~
26 ~~June in order to include the expenditures to be financed by the levy in the preliminary budget. The~~
27 ~~superintendent of public instruction shall promulgate rules and forms for the approval.~~

28 (4) Whenever the trustees of a district decide to offer an adult education program during the
29 ensuing school fiscal year, they shall budget for the cost of the program in the adult education fund of the
30 preliminary budget. Any expenditures in support of the adult education program under the final adult

1 education budget must be made in accordance with the financial administration provisions of this title for
2 a budgeted fund.

3 (5) When a tax levy for an adult education program ~~that has been approved by the superintendent~~
4 ~~of public instruction~~ is included as a revenue item on the final adult education budget, the county
5 superintendent shall report the levy requirement to the county commissioners on the fourth Monday of
6 August and a levy on the district must be made by the county commissioners in accordance with
7 20-9-142."

8
9 **Section 7.** Section 20-9-311, MCA, is amended to read:

10 **"20-9-311. Calculation of average number belonging (ANB).** (1) Average number belonging (ANB)
11 must be computed as follows:

12 (a) compute an average enrollment by adding a count of regularly enrolled full-time pupils who were
13 enrolled as of the first Monday in October of the prior school fiscal year to a count of regularly enrolled
14 pupils on February 1 of the prior school fiscal year, or the nearest school day if those dates do not fall on
15 a school day, and divide the sum by two; and

16 (b) multiply the average enrollment calculated in subsection (1)(a) by the sum of the
17 pupil-instruction and the approved pupil-instruction-related days for the current school fiscal year and divide
18 by 180.

19 (2) For the purpose of calculating ANB under subsection (1), up to 7 approved
20 pupil-instruction-related days may be included in the calculation.

21 (3) When a school district has approval to operate less than 180 school days under ~~20-9-804~~
22 20-9-806, the total ANB must be calculated in accordance with the provisions of 20-9-805.

23 (4) Enrollment for a part of a morning session or a part of an afternoon session by a pupil must be
24 counted as enrollment for one-half day.

25 (5) In calculating the ANB for pupils enrolled in a program established under 20-7-117(1),
26 enrollment at a regular session of the program for at least 2 hours of either a morning or an afternoon
27 session must be counted as one-half pupil for ANB purposes. ~~If a variance has been granted as provided~~
28 ~~in 20-1-302, ANB must be computed in a manner prescribed by the superintendent of public instruction,~~
29 ~~but the~~ The ANB for a kindergarten student may not exceed one-half for each kindergarten pupil.

30 (6) When ~~any~~ a pupil has been absent, with or without excuse, for more than 10 consecutive

1 school days, the pupil may not be included in the enrollment count used in the calculation of the ANB
2 unless the pupil resumes attendance prior to the day of the enrollment count.

3 (7) The enrollment of prekindergarten pupils, as provided in 20-7-117, may not be included in the
4 ANB calculations.

5 (8) The average number belonging of the regularly enrolled, full-time pupils for the public schools
6 of a district must be based on the aggregate of all the regularly enrolled, full-time pupils attending the
7 schools of the district, except that when:

8 (a) (i) a school of the district is located more than 20 miles beyond the incorporated limits of a city
9 or town located in the district and at least 20 miles from any other school of the district, the number of
10 regularly enrolled, full-time pupils of the school must be calculated separately for ANB purposes and the
11 district must receive a basic entitlement for the school calculated separately from the other schools of the
12 district;

13 (ii) a school of the district is located more than 20 miles from any other school of the district and
14 no incorporated territory is not involved in the district, the number of regularly enrolled, full-time pupils of
15 the school must be calculated separately for ANB purposes and the district must receive a basic entitlement
16 for the school calculated separately from the other schools of the district; or

17 (iii) the superintendent of public instruction approves an application not to aggregate when
18 conditions exist affecting transportation, such as poor roads, mountains, rivers, or other obstacles to travel,
19 or when any other condition exists that would result in an unusual hardship to the pupils of the school if
20 they were transported to another school, the number of regularly enrolled, full-time pupils of the school
21 must be calculated separately for ANB purposes and the district must receive a basic entitlement for the
22 school calculated separately from the other schools of the district;

23 (b) a junior high school has been approved and accredited as a junior high school, all of the
24 regularly enrolled, full-time pupils of the junior high school must be considered as high school district pupils
25 for ANB purposes;

26 (c) a middle school has been approved and accredited, all pupils below the 7th grade must be
27 considered elementary school pupils for ANB purposes and the 7th and 8th grade pupils must be considered
28 high school pupils for ANB purposes; or

29 (d) a school has not been accredited by the board of public education, the regularly enrolled,
30 full-time pupils attending the nonaccredited school are not eligible for average number belonging calculation

purposes, nor will an average number belonging for the nonaccredited school be used in determining the BASE funding program for the district.

(9) When 11th or 12th grade students are regularly enrolled on a part-time basis, high schools may calculate the ANB to include an "equivalent ANB" for those students. The method for calculating an equivalent ANB must be determined in a manner prescribed by the superintendent of public instruction.

(10) For average daily attendance reporting purposes, districts shall provide the superintendent of public instruction with annual reports of school attendance for regularly enrolled students and special education students, using a format determined by the superintendent."

Section 8. Section 20-9-801, MCA, is amended to read:

"**20-9-801. Purpose.** This part governs a school district's entitlement to state equalization apportionment funds for any school year during which the school district is unable to conduct the minimum number of school days or the minimum aggregate hours by grade required by ~~law~~ 20-1-301 by reason of one or more unforeseen emergencies. The provisions of this part must be narrowly interpreted."

Section 9. Section 20-9-802, MCA, is amended to read:

"**20-9-802. Definitions.** As used in this part, unless the context clearly indicates otherwise, the following definitions apply:

(1) "Declaration of emergency" means a declaration ~~of a state of emergency by the governor as authorized by 10-3-302~~ by a board of trustees that an unforeseen emergency has occurred in the district.

(2) "Reasonable effort" means the rescheduling or extension of the school district's instructional calendar in an effort to attain the minimum number of school days required by law by:

(a) extending the school year ~~4 weeks~~ 3 days or the equivalent aggregate hours of pupil instruction beyond the last scheduled day; or

(b) the use of scheduled vacation days.

(3) "School day" means the school day defined in 20-1-302.

(4) "Unforeseen emergency" means a fire, flood, explosion, storm, earthquake, riot, insurrection, community disaster, or act of God or ~~any~~ a combination of the foregoing that acts as a principal cause for a school district's inability to conduct ~~one~~ 1 or more scheduled school days."

1 **Section 10.** Section 20-9-806, MCA, is amended to read:

2 **"20-9-806. School closure by declaration of emergency.** (1) If a school is closed by reason of a
3 ~~declaration of an unforeseen emergency by the governor, that results in a declaration of emergency by the~~
4 ~~board of trustees, the trustees may later adopt a resolution that a reasonable effort has been made to~~
5 ~~reschedule the pupil-instruction time lost because of the unforeseen emergency. If the trustees adopt the~~
6 ~~resolution, the pupil-instruction days time lost during the closure need not be rescheduled to meet the~~
7 minimum requirement for pupil-instruction days that a school district must conduct during the school year
8 in order to be entitled to full annual equalization apportionment.

9 (2) At least 3 school days or the equivalent aggregate hours must have been made up before the
10 trustees can declare that a reasonable effort has been made."

11
12 **NEW SECTION. Section 11. Repealer.** Sections 20-9-803 and 20-9-804, MCA, are repealed.

13
14 **NEW SECTION. Section 12. Effective date.** [This act] is effective July 1, 1997.

15 -END-

SENATE EDUCATION & CULTURAL RESOURCES

Page 4

- BILL NO - REFERRED - HEARING - OTHER CONSIDERATION DATES - EXECUTIVE ACTION/DATE/VOTE - REREFERRED - DATE READ

SB0038	LYNCH, J. D.	REVISING DURATION OF INTERNSHIPS UNDER THE MT LEGISLATIVE INTERN PROGRAM	1/03	1/15	DO PASS	01/15 VOTE: 11-0	1/16
SB0070	GAGE, DELWYN	GENERALLY REVISE SCHOOL FINANCE AND BUDGETING LAWS	1/03	1/17	PASS AS AMENDED	01/17 VOTE: 11-0	1/20
SB0071	TOEWS, DARYL	GENERALLY REVISING THE DUTIES OF ELECTED SCHOOL OFFICIALS	1/03	1/17	PASS AS AMENDED	01/17 VOTE: 11-0	1/20
SB0084	JERGESON, GREG	FUND NONBENEFICIARY STUDENTS AT TRIBAL COLLEGES THROUGH REGENTS' BUDGET	1/03	1/15	DO PASS	01/15 VOTE: 11-0	1/16
SB0095	HALLIGAN, MIKE	PROVIDE THAT SPECIAL ED FUNDS FOLLOW STUDENT FOR COSTS INCURRED	1/03	1/20	DO PASS	01/29 VOTE: 11-0	1/30
SB0117	NELSON, LINDA	DESIGNATE 4TH FRIDAY IN SEPTEMBER AS AMERICAN INDIAN HERITAGE DAY	1/03	1/15	DO PASS	01/17 VOTE: 9-2	1/20
SB0133	SWYSGOOD, CHARLES	REAUTHORIZE 6 MILL LEVY FOR UNIVERSITY SYSTEM	1/08	1/20	DO PASS	01/29 VOTE: 11-0	1/30
SB0155	HERTEL, JOHN	REVISE MEMBERSHIP ON CERTIFICATION STANDARDS AND PRACTICES ADVISORY COUNCIL	1/09	1/29	PASS AS AMENDED	02/10 VOTE: 8-2	2/12
SB0165	CHRISTIAENS, CHRIS	EDUCATION PAYMENTS BY COUNTIES FOR JUVENILES IN YOUTH DETENTION FACILITIES	1/10	1/22	PASS AS AMENDED	02/03 VOTE: 7-4	2/05
SB0187	CRIPPEN, BRUCE	AUTHORIZE UNIVERSITY SYSTEM TO RETAIN ALL INVESTMENT EARNINGS	1/16	1/22	DO PASS	01/29 VOTE: 9-2	1/30
SB0198	GROSFIELD, LORENTS	DEFINING "SAME SALARY" FOR PURPOSES OF TEACHER TENURE	1/20	1/27	PASS AS AMENDED	01/29 VOTE: 11-0	1/30
SB0235	HERTEL, JOHN	ELIMINATE REQUIREMENT OF TRUSTEES TO PREPARE AND ADOPT PRELIMINARY BUDGET	1/28	2/03	PASS AS AMENDED	02/14 VOTE: 8-2	2/17

MINUTES

**MONTANA SENATE
55th LEGISLATURE - REGULAR SESSION**

COMMITTEE ON EDUCATION & CULTURAL RESOURCES

Call to Order: By CHAIRMAN DARYL TOEWS, on January 17, 1997, at 1:06 p.m., in Room 402.

ROLL CALL

Members Present:

Sen. Daryl Toews, Chairman (R)
Sen. C.A. Casey Emerson, Vice Chairman (R)
Sen. Debbie Bowman Shea (D)
Sen. Steve Doherty (D)
Sen. Delwyn Gage (R)
Sen. Wm. E. "Bill" Glaser (R)
Sen. John R. Hertel (R)
Sen. Loren Jenkins (R)
Sen. Mike Sprague (R)
Sen. Barry "Spook" Stang (D)
Sen. Mignon Waterman (D)

Members Excused: None.

Members Absent: None.

Staff Present: Eddye McClure, Legislative Services Division
Janice Soft, Committee Secretary

Committee Business Summary:

Hearing(s) & Date(s) Posted: SB 70, SB 71; Posted 01/09/97
Executive Action: SB 70, SB 71, SB 21, SB 15,
SB 4, SB 117

HEARING ON SB 70

Sponsor: SEN. DELWYN GAGE, SD 43, Cut Bank

Proponents: Kathy Fabiano, Office of Public Instruction
Lance Melton, Montana School Boards Association
Don Waldron, Montana Rural Education Association
Loran Frazier, School Administrators of Montana
(oral testimony sent with Don Waldron)
Linda Brannon, Montana Association of School
Business Officials

Opponents: None.

Ms. Fabiano explained OPI thought school districts would have a hard time budgeting this fund because the distribution of the monies collected would be unpredictable until the fiscal year was over. At that time OPI would know how much the state had collected from the timber harvests, and then would distribute the money to schools, based on their ANB. She said OPI felt this fund met the definition of a non-budgeted fund rather than a budgeted. **SEN. TOEWS** commented this fund was outside the budget caps and **Ms. Fabiano** agreed.

SEN. TOEWS then asked about the child count for ANB, now taken in October and February, and its authenticity. **Ms. Fabiano** answered OPI asked auditors to check those counts at the time of their annual audit.

SEN. LOREN JENKINS asked about the language deletion of "PL 874" and replacement language of "Impact Aid". **Ms. Fabiano** said there was still Impact Aid money; however, it was reauthorized in 1994 by Congress so it was no longer Public Law 81-874. Therefore, OPI's attorneys recommended putting in the US Code reference. **Eddy McClure** said "Public Law" was usually something referred to before it became codified in federal law.

SEN. TOEWS referred to Page 5, Number 14, and commented on the stricken part of the code. **Ms. Fabiano** explained currently Section 20-9-334 said the county superintendent would allocate the county equalization monies to districts, when in fact, the distribution was done by the state superintendent, whose office was referenced in 335.

Closing by Sponsor:

SEN. GAGE asked the Committee to look favorably on SB 70.

{Tape: 1; Side: A; Approx. Time Count: 1:24 p.m.}

HEARING ON SB 71

Sponsor: **SEN. DARYL TOEWS, SD 48, Lustre**

Proponents: **Gail Gray, Office of Public Instruction**
Erik Hanson, Governor's Office
Don Waldron, Montana Rural Education Association
Loran Frazier, School Administrators of Montana
(oral testimony sent with Don Waldron)
Lance Melton, Montana School Boards Association

Opponents: **None.**

Chairman: **SEN. DARYL TOEWS** turned the meeting over to **SEN. CASEY EMERSON, VICE CHAIRMAN**, during the hearing of SB 71.

Opening Statement by Sponsor:

SEN. DARYL TOEWS, SD 48, Lustre, opened the hearing on SB 71 by saying he enjoyed working with OPI on SB 71. He explained SB 71 gave flexibility back to the schools, cost no money and talked about local control. **SEN. TOEWS** went on to say SB 71 eliminated some duties of the State Superintendent of Public Instruction, i.e. adult ed, PIR days, approval for kindergarten scheduling or closing of school because of an emergency. He said SB 71 allowed for flexibility in the length of the school day; in other words, SB 71 really did give some flexibility back to the local school districts. **SEN. TOEWS** informed the Committee there were amendments which would clean up the language. **(EXHIBIT 3)**

Proponents' Testimony:

Gail Gray, Office of Public Instruction (OPI), said SB 71 was an NFL bill: (1) N for no cost; (2) F for flexibility; (3) L for local control. She further explained SB 71 and its eliminating the following duties of the Superintendent of Public Instruction: (1) Approving the mill levies for adult ed, an unnecessary and intrusive function; (2) Reviewing and approving of PIR days because local districts were currently able to use the policies already in place by the Board of Public Education. Local districts could complete the forms and file them locally; (3) Approving of kindergarten variances, or number of days attended by kindergarten students; (4) Approving emergency closures because if the governor declared the emergency, and if the school was located in the emergency area, the trustees could declare the emergency as well; therefore, the day did not have to be made up. **Ms. Gray** emphasized this applied only to days and areas in which the governor declared an emergency; otherwise, schools were required to make a reasonable effort to make up the days and SB 71 offered several options; (5) Allowing flexibility in length of school days, i.e. aggregate hours instead of inflexible daily scheduling. **Ms. Gray** urged the Committee's approval of SB 71.

Erik Hanson, Governor's Office, said the Governor supported SB 71 because he believed in local control and the flexibility it provided. **Mr. Hanson** said the Governor especially supported the provision for emergency situations.

Don Waldron, Montana Rural Education Association (MREA), said MREA testified in favor of HB 52, which was similar to SB 71; however, they felt SB 71 was the better of the two. He suggested the Committee may want to look at HB 52, coordinate it with SB 71 and make adjustments. **Mr. Waldron** also brought oral approval from **Loran Frazier, School Administrators of Montana (SAM),** who was unable to testify personally because of another commitment.

Lance Melton, Montana School Boards Association (MSBA), expressed support for SB 71 because MSBA strongly advocated local control and flexibility. He urged a DO PASS.

Opponents' Testimony: None.

{Tape: 1; Side: A; Approx. Time Count: 1:34 p.m.}

Questions From Committee Members and Responses:

SEN. BARRY "SPOOK" STANG asked if SB 71 was a back door approach to the four-day school week. Gail Gray said it was not; rather, 180 days was still required -- the flexibility was in the aggregate number of hours.

SEN. STANG commented he understood the time was now changed to hours rather than days. SEN. TOEWS answered by saying no matter how it was figured, 180 days would still be the figure.

SEN. MIKE SPRAGUE asked if SB 71 was a delegating or abdicating of legislative authority. SEN. TOEWS said he viewed it as standing on campaign promises, i.e. delegating, or not giving up legislative power.

SEN. DELWYN GAGE asked Eric Feaver, Montana Education Association (MEA), his opinion on SEN. STANG'S concern on the four-day school week. Mr. Feaver said he agreed with SEN. TOEWS in that SB 71 was not a four-day school bill.

Closing by Sponsor:

SEN. TOEWS said it was his opinion SB 71 was headed in the right direction; therefore, he urged encouragement of OPI's efforts by passing SB 71.

SEN. CASEY EMERSON, VICE CHAIRMAN, turned the meeting back to SEN. DARYL TOEWS, CHAIRMAN.

EXECUTIVE ACTION ON SB 70

Amendments: Eddye McClure explained the amendments acted upon would be conceptual because Gail Gray, in her testimony, asked for the deletion of Section 34 and Lance Melton distributed copies of amendments MSBA was recommending.

Motion/Vote: SEN. LOREN JENKINS MOVED DO PASS FOR THE AMENDMENT TO REMOVE SECTION 34 IN ITS ENTIRETY. Motion CARRIED 10-1, with SEN. STANG voting NO.

Motion/Vote: SEN. DELWYN GAGE MOVED DO PASS FOR THE AMENDMENTS SUBMITTED BY MSBA. (EXHIBIT 2) Motion CARRIED 10-1, with SEN. SHEA voting NO. [Editor's Note: Both amendments are combined in SB007001.AEM, (EXHIBIT 4)]

Motion/Vote: SEN. CASEY EMERSON MOVED DO PASS FOR SB 70 AS AMENDED. Motion CARRIED UNANIMOUSLY, 11-0.

EXECUTIVE ACTION ON SB 71

Motion/Vote: SEN. LOREN JENKINS MOVED DO PASS ON THE TOEWS AMENDMENTS, SB007101.AEM, EXHIBIT 3. Motion CARRIED UNANIMOUSLY, 11-0.

Motion/Vote: SEN. MIGNON WATERMAN MOVED DO PASS ON SB 71 AS AMENDED. Motion CARRIED UNANIMOUSLY, 11-0.

EXECUTIVE ACTION ON SB 21

Motion: SEN. DEBBIE SHEA MOVED DO PASS FOR SB 21.

Discussion: SEN. BILL GLASER was concerned if SB 21 were extended until 2005, no reports might be issued until then.

SEN. MIKE SPRAGUE wondered how long the two-year policy had been in effect and was told it began in 1993. He then wondered if the two-year approval had been working adequately. SEN. WATERMAN answered it now had a track record and people were comfortable with it; they liked the forum and the opportunity to discuss the issues. She commented because of the feeling, it was foolish to bring a bill to every legislative session to extend the two years.

SEN. EMERSON wondered if there was a measurable result from the Joint Committee, i.e. had something happened that would not have happened without the Joint Committee's existence. SEN. TOEWS said major disagreement ran rampant but the Committee's existence had brought about dialogue; therefore, good things had happened.

SEN. SPRAGUE asked if the Joint Committee reported their results every two years and was told all committees reported. He then wondered if the time was extended to eight years, would it be eight years before a report would be forthcoming. SEN. BARRY "SPOOK" STANG answered all interim committees were required to file a report to the next legislature.

SEN. EMERSON asked if SB 21 authorized the meeting at Yellow Bay. SEN. TOEWS answered the Yellow Bay meeting was paid out of the Leadership budget, and Yellow Bay delegated to the Joint Committee on Postsecondary Education Policy and Budget power to do certain things.

Vote: Motion CARRIED 9-2, WITH SEN. SPRAGUE AND SEN. STANG voting NO.

{Tape: 1; Side: A; Approx. Time Count: 1:48 p.m.}

EXECUTIVE ACTION ON SB 15

Amendments: Eddye McClure explained the Halligan amendments, SB001501.AEM, (EXHIBIT 5). She said "and accredited schools" in

HOUSE EDUCATION

Page 4

- BILL NO - REFERRED - HEARING - OTHER CONSIDERATION DATES - EXECUTIVE ACTION/DATE/VOTE - - - - - REREFERRED - - - - - DATE READ

HJ0009	PEASE, GERALD	RESOLUTION URGING BOARD OF PUBLIC EDUCATION TO INCREASE INDIAN EDUCATION	1/27	2/03	TABLED ON 02/05	VOTE: 11-6	
HJ0021	DENNY, MATT	RESOLUTION CONGRATULATING THE LOYOLA SACRED HEART SPEECH AND DEBATE TEAM	2/12	2/14	DO PASS	02/14 VOTE: 18-0	2/17
HJ0023	TROPILA, JOE	JOINT RESOLUTION FOR INTERIM STUDY OF SCHOOL ELECTIONS	2/12	2/14	DO PASS	02/14 VOTE: 18-0	2/17
HJ0029	COCCHIARELLA, VICKI	HJR CONGRATULATING THE MISSOULA BIG SKY BOYS BASKETBALL TEAM	3/12	3/14	DO PASS	03/14 VOTE: 17-1	3/17
HJ0030	AHNER, CHRIS	RESOLUTION CONGRATULATING CAPITAL HIGH FOOTBALL	3/13	3/14	DO PASS	03/14 VOTE: 17-1	3/17
HJ0031	PEASE, GERALD	HONORING HARDIN H.S. FOR CLASS A STATE BOYS BASKETBALL CHAMPIONSHIP	3/18		DO PASS	03/24 VOTE: 16-2	
SB0010	HARGROVE, DON	WAIVE TUITION FOR SPOUSES/CHILDREN OF GUARD MEMBER KILLED/DIED WHILE ON DUTY	1/20	1/31	CONCUR	01/31 VOTE: 18-0	2/03
SB0021	JERGESON, GREG	EXTEND POSTSECONDARY EDUCATION SUBCOMMITTEE SUNSET FOR 8 YEARS	1/23	2/05	CONCUR	02/05 VOTE: 18-0	2/07
SB0038	LYNCH, J. D.	REVISING DURATION OF INTERNSHIPS UNDER THE MT LEGISLATIVE INTERN PROGRAM	1/20	1/31	CONCUR	01/31 VOTE: 18-0	2/03
SB0070	GAGE, DELWYN	GENERALLY REVISE SCHOOL FINANCE AND BUDGETING LAWS	1/24	1/29	CONCUR	01/29 VOTE: 18-0	1/30
SB0071	TOEWS, DARYL	GENERALLY REVISING THE DUTIES OF ELECTED SCHOOL OFFICIALS	1/23	2/03	CONCUR AS AMENDED	02/14 VOTE: 15-3	2/17
SB0095	HALLIGAN, MIKE	PROVIDE THAT SPECIAL ED FUNDS FOLLOW STUDENT FOR COSTS INCURRED	2/04	2/07	CONCUR AS AMENDED	03/05 VOTE: 15-3	3/06

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 55th LEGISLATURE - REGULAR SESSION

COMMITTEE ON EDUCATION

Call to Order: By CHAIRMAN ALVIN A. ELLIS, JR., on February 3, 1997, at 3:00 P.M., in Room 312-1.

ROLL CALL

Members Present:

Rep. Alvin A. Ellis, Jr., Chairman (R)
Rep. Peggy Arnott, Vice Chairman (Majority) (R)
Rep. Dan W. Harrington, Vice Chairman (Minority) (D)
Rep. Paul Bankhead (R)
Rep. Matt Denny (R)
Rep. Kim Gillan (D)
Rep. Antoinette R. Hagener (D)
Rep. George Heavy Runner (D)
Rep. Sam Kitzenberg (R)
Rep. Bob Lawson (R)
Rep. Gay Ann Masolo (R)
Rep. Linda McCulloch (D)
Rep. Norm Mills (R)
Rep. William Rehbein, Jr. (R)
Rep. John "Sam" Rose (R)
Rep. Richard D. Simpkins (R)
Rep. Joe Tropila (D)
Rep. Allan Walters (R)

Members Excused: None.

Members Absent: None.

Staff Present: Connie Erickson, Legislative Services Division
Alberta Strachan, Committee Secretary

Committee Business Summary:

Hearing(s) & Date(s) Posted: SB 71 (1/29/97); HJR 9
(1/28/97); HB 380 (1/31/97);
HB 280 (1/27/97).

Executive Action: None.

HEARING ON SB 71

Opening Statement by Sponsor: SEN. DARYL TOEWS, H.D. 48
introduced the bill.

{Tape: 1; Side: 1; Approx. Time Count: .8.}

Proponents' Testimony:

Gail Gray, Office of Public Instruction.

{Tape: 1; Side: 1; Approx. Time Count: 4.5.}

Wayne Buchanan, Montana Board of Public Education.

{Tape: 1; Side: 1; Approx. Time Count: 8.0.}

Loren Frazier, Montana School Administrators Association.

{Tape: 1; Side: 1; Approx. Time Count: 8.4.}

Lance Melton, Montana School Board Association.

{Tape: 1; Side: 1; Approx. Time Count: 8.9.}

Erik Hanson, Governor's Office.

{Tape: 1; Side: 1; Approx. Time Count: 9.4.}

Opponents' Testimony: None.

{Tape: 1; Side: 1; Approx. Time Count: 10.2.}

Informational Testimony: None.

Questions From Committee Members and Responses:

{Tape: 1; Side: 1; Approx. Time Count: 10.5; Comments: .}

Closing by Sponsor: SEN. TOEWS closed on the bill.

{Tape: 1; Side: 1; Approx. Time Count: 23.1.}

HEARING ON HJR 9

Opening Statement by Sponsor: REP. GERALD PEASE, H.D. 6 introduced the bill.

{Tape: 1; Side: 1; Approx. Time Count: 24.4.}

Proponents' Testimony:

Wayne Buchanan, Montana Board of Education.

{Tape: 1; Side: 1; Approx. Time Count: 26.2.}

Christine Kaufman, Montana Human Rights Network.

{Tape: 1; Side: 1; Approx. Time Count: 29.3.}

Erik Feaver, Montana Education Association. EXHIBIT 1, 2.

{Tape: 1; Side: 1; Approx. Time Count: 32.9; Comments: Mr. Feaver provided the gray bill and excerpts from the current law.}

REP. JOAN HURDLE, H.D. 13. EXHIBIT 3.

{Tape: 1; Side: 2; Approx. Time Count: .1.}

Dori Nielson, Office of Public Instruction.

{Tape: 1; Side: 2; Approx. Time Count: 6.8.}

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 55th LEGISLATURE - REGULAR SESSION

COMMITTEE ON EDUCATION

Call to Order: By VICE-CHAIRMAN PEGGY ARNOTT, on February 14, 1997, at 3:00 P.M., in Room 312-1.

ROLL CALL

Members Present:

Rep. Alvin A. Ellis, Jr., Chairman (R)
Rep. Peggy Arnott, Vice Chairman (Majority) (R)
Rep. Dan W. Harrington, Vice Chairman (Minority) (D)
Rep. Paul Bankhead (R)
Rep. Matt Denny (R)
Rep. Kim Gillan (D)
Rep. Antoinette R. Hagener (D)
Rep. Sam Kitzenberg (R)
Rep. Bob Lawson (R)
Rep. Gay Ann Masolo (R)
Rep. Linda McCulloch (D)
Rep. Norm Mills (R)
Rep. William Rehbein, Jr. (R)
Rep. John "Sam" Rose (R)
Rep. Richard D. Simpkins (R)
Rep. Joe Tropila (D)
Rep. Allan Walters (R)

Members Excused: Rep. George Heavy Runner

Members Absent: None.

Staff Present: Connie Erickson, Legislative Services Division
Alberta Strachan, Committee Secretary

Committee Business Summary:

Hearing(s) & Date(s) Posted: HJR 21 (2/13/97); HJR 23
(2/13/97); HB 523 (2/12/97).
Executive Action: HJR 21; HJR 23; HB 49; HB 198;
HB 436; HB 491; SB 71.

HEARING ON HJR 21

Opening Statement by Sponsor: REP. MATT DENNY, H.D. 63
introduced the bill.

{Tape: 1; Side: 1; Approx. Time Count: .2.}

{Tape: 2; Side: 1; Approx. Time Count: 14.1.}

EXECUTIVE ACTION ON HB 436

Motion: REP. LAWSON MOVED HB 436 DO PASS.

{Tape: 2; Side: 1; Approx. Time Count: 14.3.}

Discussion:

{Tape: 2; Side: 1; Approx. Time Count: 15.0.}

Vote: Question was called. Motion carried 14-4 on a roll call vote with REP. HEAVY RUNNER voting by proxy.

{Tape: 2; Side: 1; Approx. Time Count: 17.0.}

EXECUTIVE ACTION ON HB 491

Motion: REP. LAWSON MOVED HB 491 DO PASS.

{Tape: 2; Side: 1; Approx. Time Count: 18.7.}

Motion: REP. REHBEIN moved to adopt the Rehbein amendments.

{Tape: 2; Side: 1; Approx. Time Count: 18.7.}

Discussion:

{Tape: 2; Side: 1; Approx. Time Count: 19.8.}

Vote: Question was called. Motion failed 1-17 with REP. REHBEIN voting no and REP. HEAVY RUNNER voting by proxy.

{Tape: 2; Side: 1; Approx. Time Count: 20.2.}

Vote: Question was called. Motion carried unanimously 18-0 with REP. HEAVY RUNNER voting by proxy.

{Tape: 2; Side: 1; Approx. Time Count: 20.9.}

EXECUTIVE ACTION ON SB 71

Motion: REP. KITZENBERG MOVED SB 71 BE CONCURRED IN.

{Tape: 2; Side: 1; Approx. Time Count: 21.3.}

Motion/Vote: REP. KITZENBERG moved to adopt the Kitzenberg amendments. Question was called. Motion carried 17-1 with REHBEIN voting no and REP. HEAVY RUNNER voting by proxy.

{Tape: 2; Side: 1; Approx. Time Count: 21.7.}

Vote: Question was called. Motion carried 15-3 with REPS. BANKHEAD, REHBEIN and ARNOTT voting no and REP. HEAVY RUNNER voting by proxy.

{Tape: 2; Side: 1; Approx. Time Count: 23.3.}

MINUTES

MONTANA SENATE 55th LEGISLATURE - REGULAR SESSION

CONFERENCE COMMITTEE ON SENATE BILL 071

Call to Order: By CHAIRMAN DARYL TOEWS, on April 16, 1997, at 9:00 A.M., in ROOM 405.

ROLL CALL

Members Present:

Sen. Daryl Toews (R)
Sen. Loren Jenkins (R)
Rep. Alvin A. Ellis, Jr. (R)
Rep. John "Sam" Rose (R)
Rep. Joan Hurdle (D)

Members Excused: Sen. Debbie Bowman Shea (D)

Members Absent: None

Staff Present: Connie Erickson, Legislative Services Division
Mary Gay Wells, Committee Secretary

{Tape: 1; Side: B; Approx. Time Count: 9:00 AM; Comments: N/A.}

HEARING ON SB 71

Discussion and Questions From Committee Members and Responses:

CHAIRMAN DARYL TOEWS opened the hearing. A little bit of background might be in order, he said. Actually about two years ago, there were a lot of bills that took responsibilities away from the Office of Public Instruction and brought them down to the local school board. They were usually tied to something that was controversial in the bill. When that happened, the bill would die and the issues never got cleaned up. This year, the OPI worked hard to go in and take everything out that could possibly be given back to the school boards. This is how SB 71 started. Their biggest fear was that when they did this, the Legislature would take and attach a bunch of other things onto it. SB 71 passed the Senate side and went to the House. There was a bill, HB 52, which offered a four day school week. That bill was inserted into SB 71. CHAIRMAN TOEWS told REP. SAM ROSE at the time that HB 52 could be put into SB 71, but it would definitely go to a Conference Committee. And now we are here at that Conference Committee to look at this issue. HB 52 allows for a reduction in days. Instead of 180 days, they could have fewer days. That is the amendment that the House put on.

REP. JOAN HURDLE asked if the reduction of days would be authorized by the State Board of Education? And would that be in conflict with the original intent to return as much as possible to local school boards? **CHAIRMAN TOEWS** replied yes and it is, to a large degree, in conflict because the Legislature was trying to get away from giving variances and giving permission to do a whole lot of things. What this bill does is goes back and says: okay, we will take and have another rule-making on days. Technically, it changes the direction of the bill. With this variance and the Public Ed denies that variance, the local school board will be mad at them again for the denial.

REP. HURDLE said so the local school boards have to ask the Board of Ed for the variance. **CHAIRMAN TOEWS** said technically it goes to OPI and then to the Board of Education. That is why he resisted the amendments. These amendments would be appropriate if there was a baseline that was being worked from. Remember the alternative standards, a baseline was needed to know where the schools were at or if you were looking at the "Improving Montana Schools" you would have a baseline to work from. Then you would have data on what the impact would be on the students. That is not in this bill.

REP. ALVIN ELLIS addressed the bill. He does not totally agree with the analysis. The intent of SB 71 as it came from the Senate was to give local school boards more authority and to allow them to make some changes which locally could be helpful and not necessarily require OPI to sign off on those changes. That is admirable. He does not see that much difference in the four day school week. Quite frankly he felt it probably won't be used much except in larger urban centers because you have kindergarten kids and full days, etc. It just makes it too difficult to administer. It is a hot political potato. In Wyoming, they have done it. However, it does allow more local decision making by local boards. You may dislike having to get permission to do this from the Board of Education, and perhaps that could be amended out. However, it seems to him, that more local control is being allowed and this is an option that they didn't even have before. So how can it be said that when they have to get permission to do it is it going in a different direction. The four day school issue is not tremendously important to him. He doesn't think it will have much application. But it seems to him that in the line of allowing schools more freedom to do what they want, it is pretty hard to argue against.

REP. SAM ROSE said that he has been uncomfortable with this four day school week from the beginning. He feels that the mindset of the people is that they want the children in school. The schools were built for the students not for adult education or anything else. From experience, younger children can not handle a 10 hour day. Not even high school students can handle those long hours. It does give the school board the variation to run the buses at different intervals, but he does not believe that this will be

well received by the public. He does not believe that it is in the best interest of education and that is what the Legislature is here for. Other schools would have to be integrated with a change of hours and days and this would probably create some real problems.

REP. JOAN HURDLE said that as a former first grade teacher and a teacher with an advanced degree in special education, she is very much opposed to the whole concept of a four day school week. The little ones and the children with problems would possibly be ignored in order to schedule sporting events, etc. One of the primary factors in learning with these children is repetition. More sessions of shorter duration is necessary. A four day school week is exactly the opposite of good educational principles.

SEN. LOREN JENKINS said that he has been nervous all session about rule making authority and of course this is more rule making authority. As the committee knows, he is interested in rules. He could not see that it would be viable. In the urban areas, with many single parent families, many work and consequently the schools are babysitters whether they should be or not. If it is cut back to four days, what will these families do on the fifth day? He did not feel that this amendment belong in SB 71.

{Tape: 1; Side: A; Approx. Time Count: 9:11 AM; Comments: N/A.}

Motion/Vote: SEN. JENKINS MOVED TO STRIP THE HOUSE AMENDMENTS FROM SB 71. THE MOTION CARRIED on a roll call vote with REP. ALVIN ELLIS voting NO: 5-1